UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,656	09/28/2001	Takashi Kise	35.C15844	3590

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EXAMINER
MENBERU, BENIYAM

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/964,656	KISE, TAKASHI
	Examiner	Art Unit	
	Beniyam Menberu	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 February 2006</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6,11-23,29 and 30</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-6,11-23,29 and 30</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All b)☐ Some * c)☐ None of:
       1.☒ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

Response to Arguments

Applicant's arguments, see Remarks, filed December 5, 2005, with respect to the

rejection(s) of claim(s) 1, 2, 4, 7, 8, 11, 12, 14, 17, 18, 20, 23, 24, and 26 under U.S.

Patent No. 5933676 to Ohno in view of U.S. Patent No. 6519053 to Motamed et al have

been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of

U.S. Patent No. 6573910 to Duke et al.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 2, 4, 11, 12, 14, 17, 18, 20, 23, 29, and 30 are rejected under 35

U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6573910 to Duke et al in

view of U.S. Patent No. 5933676 to Ohno.

Regarding claims 1, 11, 17, and 23, Duke et al disclose a

controller/method/program (column 4, lines 26-36) which can communicate with a

plurality of image forming apparatuses for executing a job (column 3, lines 66-67;

column 4, lines 1-9; column 5, lines 42-54; column 4, lines 46-67), comprising:

a memory unit adapted to store information showing that the calibration of one of the

plurality of image forming apparatuses is executed (column 7, lines 13-25); and

a job managing unit adapted to assign to another of the plurality of image forming

apparatuses a job assigned to the one of the plurality of image forming apparatuses, in

the event that the information is stored by said memory unit even if the one of the

plurality of image forming apparatuses is ready to accept a job (column 9, lines 6-61).

However Duke et al does not disclose transmitting to one of the plurality of image

forming apparatuses data for performing calibration of the image forming apparatus.

Ohno disclose transmitting to one of the plurality of image forming apparatuses

data for performing calibration of the image forming apparatus (column 11, lines 42-55;

column 12, lines 23-33).

Duke et al and Ohno are combinable because they are in the similar problem

area of printing system.

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to combine the calibration data transmission of Ohno with the system of

Duke et al to implement remote calibration of printing system.

The motivation to combine the reference is clear because Ohno teaches that

remote calibration can provide high precision calibration system (column 1, lines 39-45).

Regarding claims 2, 12, and 18, Duke et al in view of Ohno teach all the

limitations of claims 1, 11, and 17 respectively. Further Duke et al disclose a controller

according to claim 1, wherein each of the plurality of image forming apparatuses is a

printer, and said job managing unit assigns to another of the plurality of printers a job for

instructing to print which was assigned to one of the plurality of printers which corresponds to the stored information (column 5, lines 42-54; Figure 1, reference 130, 140, 150; column 4, lines 56-67; column 7, lines 13-25).

Regarding claims 4, 14, and 20, teach all the limitations of claims 1, 11, and 17 respectively. Further Duke et al in view of Ohno teach all the limitations of claim 1. Further Ohno discloses a controller, method/program, wherein the calibration is a process for stabilizing an output density fluctuation due to a difference among the plurality of image forming apparatuses or due to an environmental change in temperature or humidity (Ohno: column 11, lines 43-50).

Regarding claims 29 and 30, Duke et al disclose a controller which can communicate with a plurality of image forming apparatuses for executing a job (column 3, lines 66-67; column 4, lines 1-9; column 5, lines 42-54; column 4, lines 46-67), comprising;

a memory unit adapted to store information showing that the calibration of one of the plurality of image forming apparatuses is executed (column 7, lines 13-25); and

a job managing unit adapted to assign a job to another of the plurality of image forming apparatuses without assigning the job to the one of the plurality of image forming apparatuses, in the event that the information is stored by said memory unit even if the one of the plurality of image forming apparatuses is ready to accept a job (column 9, lines 6-61). However Duke et al does not disclose transmitting to one of the plurality of image forming apparatuses data for performing calibration of the image forming apparatus.

Ohno disclose transmitting to one of the plurality of image forming apparatuses data for performing calibration of the image forming apparatus (column 11, lines 42-55; column 12, lines 23-33).

Duke et al and Ohno are combinable because they are in the similar problem area of printing system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the calibration data transmission of Ohno with the system of Duke et al to implement remote calibration of printing system.

The motivation to combine the reference is clear because Ohno teaches that remote calibration can provide high precision calibration system (column 1, lines 39-45).

3.   Claims 3, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6573910 to Duke et al in view of U.S. Patent No. 5933676 to Ohno further in view of U.S. Patent No. 5987225 to Okano.

Regarding claim 3, Duke et al in view of Ohno teach all the limitations of claim 1. Further Duke et al in view of Ohno disclose a controller according to claim 1, wherein each of the plurality of image forming apparatuses is a copier having a function for reading an image (column 5, lines 42-50). However Duke et al in view of Ohno does not disclose wherein job managing unit assigns to another of the plurality of copiers a job for instructing to print and a job for instructing to read the image which were assigned to one of the plurality of copiers which corresponds to the stored information.

Okano discloses wherein job managing unit assigns to another of the plurality of copiers a job for instructing to print and a job for instructing to read the image which

were assigned to one of the plurality of copiers which corresponds to the stored

information (column 33, lines 34-67; column 34, lines 1-28).

Duke et al, Ohno, and Okano are combinable because they are in the similar

problem area of imaging system.

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to combine the job assignment of Okano with the calibration system of

Duke et al in view of Ohno to implement job transfer during calibration.

The motivation to combine the reference is clear because transferring copy jobs

to another copier is necessary when a copier in a network is busy.

Regarding claims 13, Duke et al in view of Ohno teach all the limitations of

claim 11. Further Duke et al disclose a method according to claim 11, wherein when

each of the plurality of image forming apparatuses is a copier having a function for

reading an image (column 5, lines 42-49), a job for instructing to print and a job for

instructing to read the image which were assigned to one of the plurality of copiers

which corresponds to the stored information (column 7, lines 13-25; column 9, lines 7-

17, lines 37-67; column 8, lines 10-31).

Regarding claim 19, Duke et al in view of Ohno teach all the limitations of claim

19. Further Duke et al disclose a program according to claim 17, wherein each of the

plurality of image forming apparatuses is a copier having a function for reading an

image (column 5, lines 42-49), and in said job managing step, a job for instructing to

print and a job for instructing to read the image which were assigned to one of the

plurality of copiers which corresponds to the stored information whose calibration is

being executed are assigned to another of the plurality of copiers (column 7, lines 13-25; column 9, lines 6-61).

4.   Claims 5, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6573910 to Duke et al in view of U.S. Patent No. 5933676 to Ohno further in view of U.S. Patent No. 6048117 to Banton.

Regarding claims 5, 15, and 21, Duke et al in view of Ohno teach all the limitations of claims 1, 11, and 17 respectively. However Duke et al in view of Ohno does not disclose a controller and method/program, further comprising a control unit adapted to output print data for performing the calibration of the image forming apparatus to the image forming apparatus, calculate calibration data from a measurement result of a printed matter, and output print data indicative of the calculated calibration data to the image forming apparatus.

Banton discloses a controller, further comprising a control unit adapted to output print data for performing the calibration of the image forming apparatus to the image forming apparatus, calculate calibration data from a measurement result of a printed matter, and output print data indicative of the calculated calibration data to the image forming apparatus (column 4, lines 6-15, lines 30-45).

Duke et al, Ohno, and Banton are combinable because they are in the similar problem area of printing system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the calibration data calculation of Banton with the print

calibration system of Duke et al in view of Ohno to implement print calibration calculation external to the printer.

The motivation to combine the reference is clear because Banton teaches that the system can be used to interpret printed matter so as to recalibrate the printer (column 2, lines 35-48).

5.   Claims 6, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6573910 to Duke et al in view of U.S. Patent No. 5933676 to Ohno further in view of U.S. Patent No. 5802260 to Shimakawa et al.

Regarding claims 6, 16, and 22, Duke et al in view of Ohno teach all the limitations of claims 1, 11, and 17 respectively. However Duke et al in view of Ohno does not disclose a controller according to claim 1, wherein said memory unit stores a job and an identifier indicative of the image forming apparatus to which said the job has been assigned so as to correspond to each other, and wherein said job managing unit changes the identifier corresponding to the job assigned to the one of the plurality of image forming apparatuses to an identifier of another of the plurality of image forming apparatuses.

Shimakawa et al disclose a controller, wherein said memory unit stores a job and an identifier indicative of the image forming apparatus to which said the job has been assigned so as to correspond to each other (column 4, lines 22-25; column 5, lines 55-62), and wherein said job managing unit changes the identifier corresponding to the job assigned to the one of the plurality of image forming apparatuses to an

identifier of another of the plurality of image forming apparatuses (column 9, lines 20-30).

Duke et al, Ohno, and Shimakawa et al are combinable because they are in the similar problem area of print systems.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the job identifying system of Shimakawa et al with the system of Duke et al in view of Ohno to implement print job identification and transferring of identification.

The motivation to combine the reference is clear because when there are multiple printers print jobs have to include data corresponding to the selected printer and capability for adjusting the selected printer identification in case of a transfer.

Other Prior Art Cited

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6498656 to Mastie et al disclose system for routing print jobs.

U.S. Patent No. 6160968 to Noda disclose method for printing with calibration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.
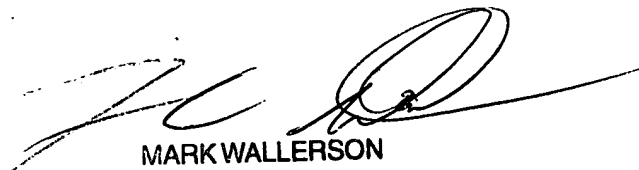
For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

BM

04/14/2006

MARK WALLERSON
PRIMARY EXAMINER